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STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

MEMO ENDORSED

December 1, 2021

Via ECF

Hon. Nelson Román
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: *Doherty v. Bice, et al.*, 18 Civ. 10898 (NSR)(AEK)

Dear Judge Román:

This Office represents defendants Patricia Bice, Qui Qui Balascio, and Jared Stammer¹ (collectively, “Defendants”) in the above-captioned action. I write on behalf of the parties, pursuant to Your Honor’s Individual Practices, to respectfully request that the Court adjourn the case management conference scheduled for December 3, 2021 at 2:00 p.m. (the “Case Management Conference”). *See Civil Case Discovery Plan and Scheduling Order* (Dkt. No. 41).

The parties are currently engaging in fact discovery. The deadline to complete all fact discovery except for Plaintiff’s deposition is December 31, 2021.² *See Civil Case Discovery Plan and Scheduling Order* (Dkt. No. 63). The parties respectfully request an adjournment of the Case Management Conference until after the parties have completed fact discovery in the interest of judicial efficiency. This is the parties’ first request for an adjournment of the Case Management Conference. The requested extension will not affect any of the other scheduled dates in this case.

Thank you for your consideration of this request.

¹ Defendants Stammer and Balascio are no longer employed by SUNY and therefore they are not proper defendants. *See Fed. R. Civ. P. 25(d)*.

² On September 15, 2021, Magistrate Judge Krause ordered the production of Plaintiff’s psychotherapy records which pertain to the allegations in the Amended Complaint. *See Decision and Order* (Dkt. No. 55). Plaintiff objected to Magistrate Judge Krause’s decision. *See Plaintiff’s Objection to Magistrate Judge Krause’s Order* (Dkt. No. 58) (“Plaintiff’s Objection”). The Court issued a decision on Plaintiff’s Objection today. *See Opinion & Order* (Dkt. No. 64). The parties will review the Court’s order and will meet and confer regarding the production of Plaintiff’s psychotherapy records and a date for Plaintiff’s deposition.

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Respectfully submitted,

/s/ Shaina Schwartz

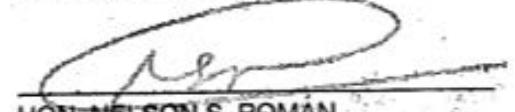
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cc: E. Chris Murray, Esq. (*via* ECF)

Due to an extension of the discovery deadlines, the parties' request to adjourn the Case Management Conf. from Dec. 3, 2021 until Jan. 27, 2022 at 12:30 pm is GRANTED. The conf. will be held by AT&T Teleconf. To access the teleconf., please follow these directions: (1) Dial the Meeting Number: (877) 336-1839; (2) Enter the Access Code: 1231334 #; (3) Press pound (#) to enter the teleconference as a guest. Clerk of Court is requested to terminate the motion (doc. 65).

Dated: White Plains, NY
Dec. 2, 2021

SO ORDERED:



HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE